

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No. 34086 of 2014 and M.P. No.1 of 2014

J. Panneerselvam

Petitioner

vs.

1 The Commissioner
(Survey and Land Administration)
Survey House
Chepauk, Chennai 600 005

2 The Principal Secretary to
Government of Tamil Nadu
Revenue Department
Fort St. George
Chennai 600 009

3 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003

4 The Assistant Commissioner
Corporation of Chennai
O/o the Assistant Commissioner of
Corporation of Chennai
Zone 7, Ambattur
Ward No.83
Chennai 600 053

5 The Tahsildar
O/o the Tahsildar
Ambattur Taluk Office
Ambattur
Chennai 600 053

6 Shanmughanathan @ Ramanathan

7 Devaraj

Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus directing the respondents 1 to 4 to remove the illegal encroachments made by respondents 6 and 7 at 10 ft. street located on the north and east sides of Plot No.19, 50th Street, Korattur, Chennai 600 080 on the basis of the order dated 28.03.2014 of the fourth respondent in his proceedings Na.Ka.No.23357/2013 and further representations of the petitioner dated 25.07.2014 and 06.08.2014.

For Petitioner Mr. S. Senthilnathan
 for Mr. N. Raja Senthoo Pandian

For RR 1,2 and 5 Mr. N. Sakthivel, Govt. Advocate

For RR 3 & 4 Mr. G. Anantharangan

For R7 Mr. Ganesh - No appearance

R6 Notice served - No appearance

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioner, stating to be a resident of the neighbouring area, has come up with this writ petition stating that there is encroachment on the road. For removal of the said alleged encroachment, the petitioner has made a representation to the authorities. Acting on the said representation, an order has been passed on 28.3.2013. Thereafter, further representations were made on 25.7.2014 and 06.8.2014, pointing out that the encroachment has not been completely removed.

2 The fourth respondent/ Zonal Officer has filed a counter affidavit stating as under:-

"Based on the above, enquiry was conducted both the petitioner and respondents on 30.12.2013. Based on the documents produced of the petitioner as well as the respondents the petitioner representation has been disposed of that the Tahsildar, Ambattur has issued patta in block No.51, Survey No.101 and 98, which includes 10'-0" feet road and hence resurvey may be conducted and to earmark the road boundaries so as to enabling to remove the encroachments."

3 On a perusal of the documents as well as the counter affidavit filed by the fourth respondent, it appears that some

encroachment is still there on the road and as such, as suggested by the Corporation, proper survey has to be made to earmark the boundaries, so that if there is any encroachment on the road, that can be removed.

4 Accordingly, we direct the authorities to conduct the survey forthwith and earmark the road boundaries. Thereafter, if it is found that still some encroachment continues on the road, necessary enforcement action shall be taken for removal of the encroachment, after affording proper opportunity of hearing to the parties concerned. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5 This writ petition is disposed of accordingly. Consequently, M.P. No. 1 of 2015 is closed. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner
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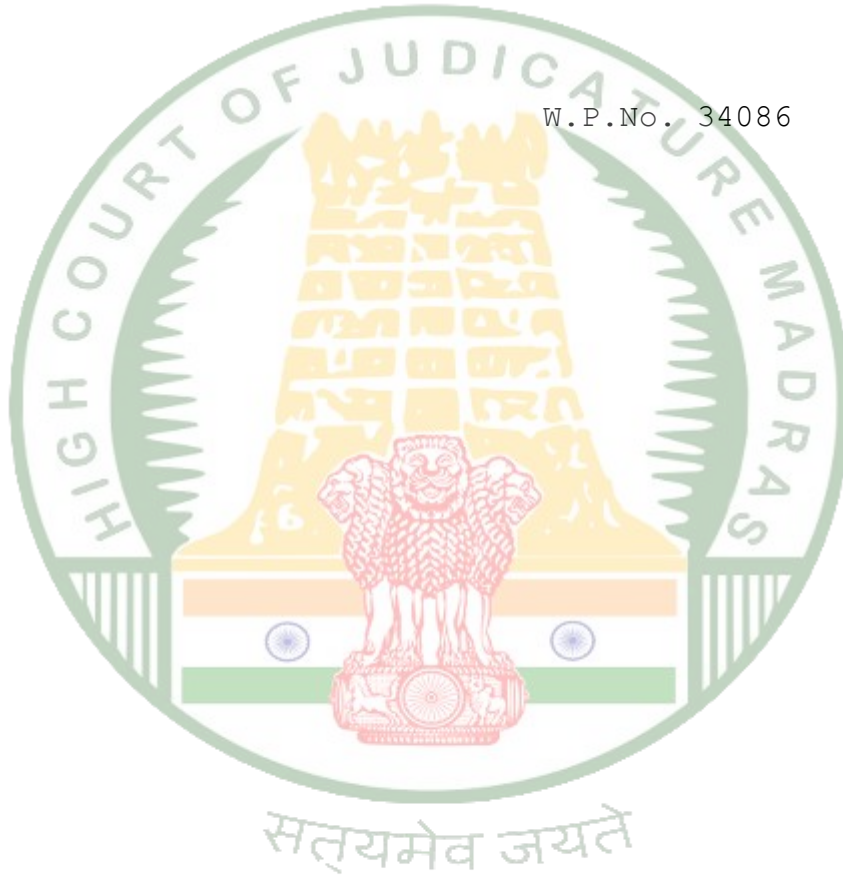
+ 1 cc to Mr.A.Nagarajan, Advocate SR 21484

+ 1 cc to Mr.N.Rajasenthur Pandian, Advocate SR 21619

+ 1 cc to Govt.Pleader SR 21804

rsi(co)
prk

W.P.No. 34086 of 2014



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